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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,232	08/19/2003	Timothy Scott Engle	4589P026	6474

7590 05/10/2005

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EXAMINER

KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,232

Applicant(s)

ENGLE, TIMOTHY SCOTT

Examiner

Melissa J. Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/8/04 & 5/21/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee U.S. Patent 6,880,934 B2.

Claim 1 sets forth: "An apparatus comprising:

a first frame to pivot about a first axis (mounting part 60 with first position adjusting hole 61);

a second frame pivotably mounted in the first frame to pivot about a second axis (mirror plate 70 with second position adjusting hole 71 and fixed projection 75); and

a mirror (mirror M) moveably mounted in the second frame to reflect an image on a screen of a display device, the mirror adapted to pivot about the first axis via the first frame and pivot about the second axis via the second frame to adjust the image on the screen." See the Abstract and Figure 1, for example. Also see column 4, lines 12 through 16. Vertical and horizontal orientation, upward and downward movement, and clockwise and counterclockwise adjustment are addressed throughout '932 B2.

Claim 2 sets forth: "The apparatus of claim 1, wherein the second axis is substantially perpendicular to the first axis." Refer to column 4, lines 8 through 31.

Claim 3 sets forth: The apparatus of claim 1, further comprising a first adjuster coupled to the first frame to adjust the angle of the pivot about the first axis." See straight driver 35 and column 5, lines 30 through 36.

Claim 4 sets forth: "The apparatus of claim 3, further comprising a second adjuster coupled to the second frame to adjust the angle of the pivot about the second axis." See cross driver 87 and column 5, lines 37 through 40.

Claim 5 sets forth: "The apparatus of claim 4, wherein the first adjuster and the second adjuster each comprise one or more screws." See fixing screw 81.

Claim 6 sets forth: "The apparatus of claim 5, wherein the first adjuster and the second adjuster further comprise a knob coupled to each screw to adjust the screw." Again refer to straight driver 85 and cross driver 87.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chen U.S. Patent 6,883,920 B2 teaches an adjusting apparatus.

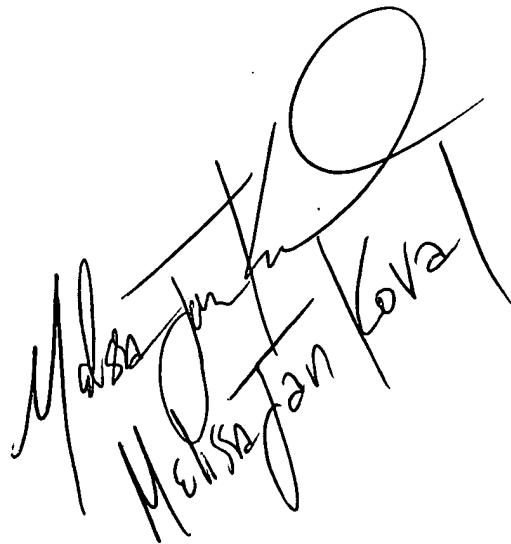
Fukunaga et al. U.S. Patent 6,877,862 B2 teaches a projector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK



Handwritten signature of Melissa Jan Koval, with the name written in cursive and printed below it.